



TIPS FROM THE CLAIMS OFFICE: IMPORTANT DEADLINES WHEN FILING A CLAIM



As we enter the summer and the transition period, many military families are preparing for their PCS move. There are some important deadlines to keep in mind when filing a claim for damage or loss to personal property from a PCS move. If you make these deadlines, you will be able to receive the maximum amount allowable for your claim.

The first deadline. The first deadline is the requirement to turn in the pink DD Form 1840/1840R to your local claims office withing 70 days of the date of the delivery of your household baggage or household goods. You will receive this form from the movers who deliver your household baggage or household goods. If you have more then one delivery, you must turn in the form within 70 days of the date each separate delivery was made.

Noting damage to your goods. It's important that you account for all of the items delivered in your household baggage or household goods shipment. You should match each box, piece of furniture or other item as it is brought in to your new quarters with its assigned inventory number. You should then check this item off on the inventory sheet. As you note items that are missing or damaged, you should indicate this, by inventory number, on the DD Form 1840. For items that are damaged, be sure that you describe the damage in as much detail as possible. For example, if your dining room table is scratched and gouged across its top, you should describe it just like that in the space provided on the DD Form 1840. Noting that the table was merely "damaged" will complicate the processing of your claim for reasons that we'll discuss later.

Completing DD Form 1840/1840R. It is advisable that you have the movers unpack and unwrap all of your shipment as it is delivered. Again, noting all missin or damaged items on the DD Form 1840. When the movers leave, they will have you sign the DD Form 1840 and take a copy with them. If you elect to unwrap and unpack on your own, or if you discover a lost or damaged item after the movers have left, be sure that you indicate the correct inventory number of the missing or damaged item on the DD Form 1840R which is the document that is found on the back side of the DD Form 1840. Do not add the newly discovered missing or damaged items to the 1840 side of the form. If you you do, this can complicate the processing of your claim. Again, as with the front of the 1840 form, describe damages as thoroughly as possible. Of course, if you're not sure about how to write the damage description, call your local claims office for assistance.

The DD Form 1840/1840R must then be turned into the claims office before the 70th day from the date of delivery. Please note this is NOT a deadline for your completed claim with estimates of repair, etc. This is only the deadline for the DD Form 1840/1840R. The time of the deadline for filing your claim is covered below.

Why 70 days? Why does the DD Form 1840/1840R have to be turned into the claims office within 70 days from the date of delivery? The Army, as well as the other Services, has an agreement with the moving industry that when is a loss or damage to personal property moved by them, we will give them notice of this fact. Notice to the moving company is accomplished by completing DD Form 1840/1840R. Recieving the the DD Form 1840/1840R within 70 days from the date of your shipment was delivered to your quarters allows the claims office sufficient time to provide this notice to the moving company. The claims office will use this notice later as the basis for sending a demand letter to the moving company to recover money for the loss or damage to

your hold baggage or household goods. The claims office will then deposit this money in an account at the U.S. Army Claims Service. This money will be used, in part, to fund the payment of claims by soldiers for loss or damage to their personal property incident to their service.

Failure to meet the 70 day deadline. Under paragraph 11-21a of Army Regulation 27-20, Legal Services: Claims, December 1997, if you should fail to turn your DD Form 1840/1840R within 70 days of delivery, absent good cause, the amount that could have been recovered by the claims office from the moving company will be deducted from your claim. What would amount to "good cause?" Situations such as hospitalization or an unexpected TDY or deployment would be examples of "good cause" according to the claims regulation. If this should happen to you, contact the claims office to see if the deduction can be waived in your case.

The next deadline. Another important deadline is the one for filing your claim. Whereas the DD Form 1840/1840R must be submitted to the claims office within 70 days of the delivery of your household baggage or household goods, you have two years from the date of delivery to file your claim. If you have multiple shipments, as with the DD Form 1840/1840R, each shipment delivery date determines the two year deadline for filing your claim. This two year time period to file your claim is known as the "statute of limitations." Although this seems like a long time for filing, claimants often fail to meet this deadline.

Failing to meet the filing deadline. If you fail to meet this deadline, your claim cannot be paid. Further, your failure to file within the two year time period cannot be waived. This "statute of limitations" for submitting a claim was created by Congress when it passed the Personnel Claims Act, the law that gives the claims official the legal authority to pay your hold baggage or household goods claim. Since it is a federal law, no Army officer or official, including the Secretary of the Army himself, can waive this requirement. Be sure that you don't let your claim go unpaid because you fail to file within the two years from the date of delivery. Another practical reason that you don't want to delay the filing of your claim is that the longer you wait, the older the your missing or lost household baggage and household goods become. The older they become, the more depreciation the claim office will have to apply when settling your claim.

Depreciation. Depreciation is an unpopular, but true fact of life when settling your claim. Like the statute of limitations, this too cannot be waived. The requirement to apply depreciation and maximum payable amounts on your hold baggage and household goods is established in the claims regulation (Army Regulation 27-20, paragraph 11-12) and the claims pamphlet which contains an allowance list depreciation guide (Department of the Army Pamphlet 27-162, Table 11-1) that is "binding on all claims personnel" throughout the Army in settling claims. The United States Army Claims Service periodically updates this guide. The guide generally reflects the fair market value of items. Certain items such as electronics, especially computers, depreciate rapidly. Keeping in mind that depreciation will be applied on your claim, the sooner you are able to file your claim, the better.

If you have any questions regarding these deadlines, or any other claims issues, please give us a call at 753-8747, or stop by the Claims Office located at the USAG Humphreys Legal Center, Building 734.